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# **Reservist and National Guard Call-Up Information Package**

**March 19, 2003**

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## **Background**

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is intended to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to an individual that occur when that person needs to be absent from civilian employment to serve in this country's uniformed services.

The Act seeks to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. They should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. Individuals are also protected from discrimination in hiring, promotion, and retention on the basis of present and future membership in the uniformed services.

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## **Coverage**

According to USERRA, an employee interrupting a period of civilian employment to perform military duty will be carried in the status of **Leave Without Pay – Uniformed Services (LWOP-US)** **unless** he/she elects to **Separate (Separation-US)** from the civilian Federal position.

An employee must be in an appropriate leave status from his/her Federal civilian position while on active duty (unless the employee elects to Separate from employment). The objective of this handout is to cover in detail the effect both of these alternatives may have upon the benefits as well as the current employment in the federal government.

## **Appropriate Paid Leave Types That May Be Used While On Active Duty**

### **1. Military Leave**

- An eligible full-time employee accrues 15 calendar days of military leave each fiscal year, and any unused military leave at the end of the year (limited to 15 calendar days) is carried forward for use in addition to the 15 days credited at the beginning of the new fiscal year. (Employee may have up to 30 calendar days of military leave for use during the fiscal year).
- An employee may request to use paid military leave, including any prior carryover balance as well as any new fiscal year military leave entitlement.
- An employee may use accrued military leave prior to the LWOP-US or Separation-US effective date or during the official LWOP-US period.
- An employee who elects to use military leave will receive full compensation from his/her civilian position for all hours charged to military leave, in addition to the military pay for the same period.

Note: Military leave is charged in hourly increments -- 5 USC 6323 was amended in 2001 to require charges for military leave to be made on an hour for hour basis for all hours the employee would have worked.

## **2. Annual Leave/Restored Annual Leave/Compensatory Time**

- An employee may elect to use accrued annual leave, restored annual leave, and/or compensatory time prior to the LWOP-US or Separation-US effective date or during the official LWOP-US period.
- An employee who elects to use annual leave, and/or compensatory time will receive full compensation from his/her civilian position for all hours charged to annual leave, and/or compensatory time, in addition to the military pay for the same period.
- An employee who enters active military duty may choose to have annual leave remain to his/her credit until returning to the civilian position, or he/she may receive a lump-sum payment for all accrued annual leave – this provision applies whether or not an employee is placed on LWOP or separates. Under 5 U.S.C. 5552, there is no requirement to separate from a civilian position in order to receive a lump-sum payment.
- If the employee separates, the agency must make a lump-sum payment for the following type leave balances: restored annual leave under 5 U.S.C. 6304(d), accumulated annual leave, accumulated compensatory time (payment will be based on the rate in effect at the time the compensatory time was earned), and accumulated religious compensatory time.

## **3. Time-Off Leave Award**

- Any time-off leave award balance may be used alone or in combination with other types of leave.
- An employee choosing to be paid for this type of award will continue to receive compensation from the civilian position for all hours charged to the time-off leave award in addition to military pay for the same period.
- If the employee separates, the time-off leave award balance will not be paid (5 CFR, Subpart 451.104 states that a time-off leave award shall not be converted to a cash payment under any circumstances).

## **Types Of Paid Leave That May Not Be Used While On Active Duty**

- Sick Leave
  - Religious Compensatory Time
  - Advanced Annual Leave
  - Holiday Leave
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## **Effect Leave Without Pay/Separation Has On Your Benefits**

### **1. Pay**

- While in LWOP-US status, an employee performing active military duty receives compensation from his/her military component in accordance with the terms and conditions of the military enlistment or appointment.
- Compensation is not received from the civilian employing agency unless the employee elects to use available military leave, accrued/restored annual leave, compensatory time, credit hours, time-off leave award, law enforcement leave (if appropriate), or sick leave (if appropriate).

### **2. Annual Leave**

- An employee does not earn annual leave while in LWOP-US status.
- An employee who enters into active military duty may choose to have the annual leave remain to his/her credit until returning from active duty.
- or-
- An employee may receive a lump-sum payment for all accrued/accumulated annual leave; there is no requirement to separate to receive a lump-sum annual leave payment.

### **3. Sick Leave**

- An employee does not earn sick leave while in LWOP-US status.
- Sick Leave will be held in the employees' leave account until returning from active duty.

### **4. Life Insurance (FEGLI)**

- An employee covered by FEGLI (Federal Employees' Group Life Insurance) who takes Leave Without Pay to enter active military duty will continue to be covered under the Basic Coverage and all forms of Optional Coverage for up to 12 months. The insurance is provided at no cost to the employee. At the end of the 12 months in nonpay status (LWOP), coverage terminates and the employee gets a free 31-day extension of coverage and the right to convert to a non-group policy.
- An employee, who separates to enter the uniformed service, is considered to be in a nonpay status for FEGLI purposes. The individual can keep FEGLI coverage for up to 12 months, or until 90 days after the active military duty ends, whichever date comes first. The insurance is provided at no cost to the individual. At the end of the 12 months or 90 days after military service ends, the coverage terminates and the individual gets a free 31-day extension of coverage and the right to convert.
- At the end of 12 months, or 90 days after the uniformed service ends (whichever date comes first), the civilian employing agency must complete an **Agency Certification of Insurance Status (Standard Form 2821)** and a **Notice of Conversion Privilege (Standard Form 2819)**.

- Being called up to active duty status or being sent to a combat zone does not cancel FEGLI coverage. Nor does it automatically make an employee ineligible for Accidental Death and Dismemberment benefits. All FEGLI coverage remains in effect for the period of time described above.
- If a Federal employee with FEGLI is called-up to active military duty and is killed, “regular” death benefits are payable to the beneficiaries. Accidental death benefits are also payable under Basic insurance (and Option A, if the employee had that coverage) unless the employee was in actual combat (or unless nuclear weapons were used) at time of injury that caused the employee’s death. Accidental death benefits are in addition to regular death benefits. Even if accidental death benefits are not payable, regular death benefits are payable. OFEGLI makes the decision as to whether or not AD&D benefits will be paid.
- If a claim needs to be filed while still covered under FEGLI, the beneficiary or other survivor should contact the civilian employing agency for guidance.

## 5. Health Insurance (FEHB)

- An employee entering one of the uniformed services for 30 days or less, will continue his/her FEHB enrollment without change – withholdings and government contributions will also continue as long as the employee is in a pay status or until the military orders are changed so that the period of active military duty is more than 30 days.
- If an employee is on leave without pay during the 30 day period (when no SF-50 LWOP action is processed and the leave without pay is documented by time cards only), he/she will be responsible for paying the employee contribution after returning to a pay status.
- An employee who is covered by FEHB (Federal Employees Health Benefits) who is either placed in Leave Without Pay status (for more than 30 days) or is Separated to perform military service **may continue to be covered** by FEHB for up to 18 months, from the date the absence to serve on military duty begins **unless** the employee **elects in writing to have the enrollment terminated**. Coverage terminates at the end of 18 months.
- An employee may **elect to terminate** FEHB enrollment **effective on the date separated, furloughed, or placed on leave of absence (the day before entering active duty)**. This applies even if part of the military service is covered by paid leave immediately followed by furlough or other leave without pay. The **election to terminate must be made in writing**.
- If FEHB enrollment is **terminated**, the employee and covered family members are entitled to a free 31-day extension of coverage and to convert to an individual contract. They are not eligible for Temporary Continuation of Coverage (TCC).
- Upon termination of FEHB enrollment, the civilian employing agency must promptly process a Notice of Change in Health Benefits Enrollment (Standard Form 2810) to notify the health benefits carrier of the termination in enrollment.
- **Termination** is not considered a break in coverage for purposes of meeting the five year/first opportunity to continue FEHB into retirement.
- Reminder: **Premium Conversion** allows employees who are eligible for FEHB the opportunity to pay for their share of FEHB premiums with pre-tax dollars. All employees who enroll in FEHB automatically receive premium conversion tax benefits, unless they

waive to participate. IRS rules govern when a participant may change his/her election. Per the Table of Permissible Changes, an employee has 60 days from the start of unpaid leave of absence to terminate premium conversion, which would then allow the employee to terminate FEHB coverage at any time. If the employee does not cancel premium conversion within the 60-day limit, he/she cannot decide later to terminate FEHB enrollment except during the annual FEHB open season or 60 days after another qualifying life event.

- Military health benefits coverage usually ends on the date of discharge from active duty. However, the 2002 Defense Authorization Act provided for TRICARE Transitional Health Care Benefits for up to 120 days. Each service branch determines eligibility for THCB. Please refer to [www.tricare.osd.mil/TricareHandbook](http://www.tricare.osd.mil/TricareHandbook) Chapter 19 for more information and web-site links concerning TRICARE Transitional Health Care Benefits (THCB).
- Federal Civilian health benefits coverage can be reinstated upon returning to the civilian Federal position effective on the day the employee returns to civilian duty. However, if the employee waives his/her right to immediate reinstatement of FEHB to take advantage of transitional TRICARE benefits, agencies may delay reinstatement until the transitional TRICARE ends. The employee may make changes to his/her enrollment or premium conversion participation within 60 days of reinstatement of the enrollment.
- Federal Civilian health benefits coverage is not retroactive to the date of separation from active duty military service; therefore, there could be a gap in military/civilian health benefits coverage if the employee is not eligible for TRICARE Transitional Health Care Benefits.
- If an employee elects to continue FEHB enrollment and the employee has been called to active duty in support of a DoD contingency operation, the **DoD agency\*\* will pay the employee share** of the premium. (\*\*This waiver of premium payments applies to Department of Defense civilian employees; other Federal agencies have discretionary authority.) **By memorandum dated March 8, 2001, the Deputy Secretary of Defense established the policy that the Department of Defense (DoD) would pay the employee's share, in addition to the government's share, of the FEHB premium for any covered employee who is called to active duty in support of a contingency operation as defined in Section 101(a)(13) of title 10, United States code. See ATTACHMENT 1 (3 pages) for the Procedures for Paying Federal Employees Health Benefits Premiums for DoD Civilian Employees Called to Active Duty in Support of Contingency Operations.**
- If an employee elects to continue FEHB enrollment and the employee has been called to active duty that is **NOT** in support of a DoD contingency operation, the employee is responsible for paying the normal employee share of the premiums for the first twelve months (365 days of non-pay status), just like any other employee in a leave without pay status. During the last six months of the eighteen-month period, the employee must pay both the employee share and the Government share of the premium plus an additional 2% (of the total premium) administrative fee -- for a total of 102%.
- The first 365 days, payment of premiums may be made on a current basis to the servicing Payroll Office (generally with after-tax monies) or the employee can elect to incur a debt with premiums being recouped from the employee's salary upon return to duty as a civilian Federal employee (generally on a pre-tax basis if employee has premium conversion).
- For the remaining 6 months of coverage (beyond the first 365 days of non-pay status), payment must be made on a current basis to DFAS.

- Cash payments for premiums should be made by check or money order payable to: **DFAS-CL** and mailed to: **DFAS, PO BOX 998009, CLEVELAND, OH 44199**  
The following information must be included with the payment:
  1. a note in the memo line of the check or money order that states the payment is for “FEHB premium” and the pay period or month for which payment is made
  2. write name and social security number on the check or money order and any other correspondence
- An employee may elect in writing to terminate FEHB coverage (effective on the date of entry on active duty) and upon return to duty, reenroll; this is not considered a break in coverage and the period of time counts toward the 5 years of continuous coverage required for retirement purposes if the employee is covered by Tricare/CHAMPUS during the entire absence.
- However, if an employee chooses to continue FEHB coverage and later cancels, it may be considered a break in coverage for retirement purposes depending on whether or not the employee was also eligible for Tricare/CHAMPUS during the entire period of absence.
- An employee who is separated to enter active military service is considered to be on military furlough (in leave without pay status) for the 18-month period if he/she continues to be eligible for reemployment rights under 5 CFR Part 353 or similar authority. The employee is entitled to continued coverage for up to 12 months in leave without pay status whether or not your eligibility for reemployment rights continues. To be entitled to the additional 6 months of coverage, the employee must continue to be eligible for reemployment rights.

## 6. Retirement and Retirement Service Credit

- An employee who is placed on LWOP-US while performing active military duty continues to be covered by the appropriate retirement rules (either CSRS, CSRS Offset, or FERS) and is also eligible for death or disability benefits under the applicable retirement system.
- An employee electing to “separate” to perform active military duty (Separation-US) is not eligible for disability benefits.
- Survivors of an employee who has separated from Federal service and dies before electing a refund of retirement withholdings are eligible for survivor benefits paid upon the death of a former employee – this may or may not include a survivor annuity.
- If an employee elects to “separate” to perform active military duty (Separation-US), he/she would generally receive retirement credit for the period of separation if a deposit for the military service is made.
- Upon restoration to the civilian position, the employee may make a deposit for the military service. If the military deposit is paid before the interest accrual date (within 3 years of returning to a covered position), no interest is charged on the military deposit.
- For a Civil Service Retirement System (CSRS) employee first hired before 1 Oct 82, the period of LWOP for military duty is creditable toward potential civilian retirement and annuity computation without making a service-credit deposit. If the employee chooses not to make a deposit to cover this period of service, the annuity will be recomputed to take out



credit for this service upon turning 62 if the employee is also eligible for Social Security at that time. An employee may ensure continued retirement credit for military service by making a service credit deposit.

- For a Civil Service Retirement System (CSRS) employee first hired after 30 Sep 82, the period of LWOP for military duty is creditable toward potential civilian retirement only if a service-credit deposit is made to cover this period of service.
- For a Federal Employee Retirement System (FERS) employee, the period of LWOP for military duty is creditable toward potential civilian retirement only if a service-credit deposit is made to cover this period of service.

## **7. Thrift Savings Plan (TSP)**

- TSP deductions will be withheld from uniformed service pay earned after January 1, 2002 as a Reservist called to full time military duty according to the elections made for the military TSP account and deductions will continue as long as uniformed service pay is received.
- Contributions cannot be made to the civilian TSP account while on LWOP-US or if separated from the civilian Federal position.
- If an employee is restored to his/her civilian position, retroactive contributions and TSP elections may be made to cover that period of service.
- The amount of TSP contributions made up will be determined by the civilian TSP contribution elections that were made (or could have been made) for the period of military service. The amount must be reduced by the amount actually contributed to the military TSP account.
- For a FERS participant, agency matching contributions will be made on the reduced amount only.
- Employees interested in making retroactive contributions to TSP must contact their servicing payroll office to set up a payment plan through payroll deduction only. Complete guidelines for repayment of TSP loans can be found in "*TSP Bulletins 01-22 and 95-13*".
- Military TSP accounts are maintained separately from civilian TSP accounts. An employee should be aware that the amount of money he/she can contribute retroactively to the civilian account will be offset by any contributions made to the military TSP account while on active duty.
- If an employee contributes to both the civilian TSP account and the military TSP account, the sum of the contributions to the two accounts during the same calendar year cannot exceed the applicable IRS annual deferral limits.
- FERS employees are entitled to receive matching funds based on contributions made from basic pay while in the uniformed services, if the employee is restored to the civilian position.
- Members of the uniformed services have access to the TSP loan program. However, reservists who drill only monthly should think seriously before taking a loan from their

military accounts because they may be unable to repay the loan in the time frame required by law.

- An employee is prohibited from repaying a military TSP loan from his/her civilian pay, or vice versa.
- Once separated from either the uniformed services or the Federal civilian service, the two TSP accounts can be combined by contacting the TSP Service Office.
- Refer to “*TSP Bulletin 02-7, TSP Participation of Individuals Who Return to Civilian Service or Pay Status Following Military Service*” for additional information.

## **8. Garnishments/Indebtedness**

- If an employee has a support garnishment being deducted from civilian pay, he/she will need to notify the servicing payroll office upon call-up to full-time active military duty.
- If an employee has a commercial garnishment being deducted from civilian pay, the deductions will stop upon entrance into active military duty. If the creditor desires to pursue collections, they will have to submit a request for involuntary allotment pursuant to DoD regulations.
- The civilian payroll office will not transfer debts (being deducted from the employee’s civilian pay) for deduction from military pay. These debts will be suspended until return from active military duty. If the employee has a debt that he/she wants to continue to pay (while on active military duty), the required forms must be completed and returned to the military unit.

## **Designation of Beneficiary Forms**

- An employee is encouraged to review and update (if necessary) the following designation of beneficiaries forms prior to leaving for active military duty:

SF-1152	– Designation of Beneficiary Unpaid Compensation (for unpaid wages)
SF-3102	– Designation of Beneficiary FERS (if retirement coverage is FERS)
SF-2802	– Designation of Beneficiary CSRS (if retirement coverage is CSRS)
Form TSP-3	– Designation of Beneficiary TSP (for TSP account)
SF-2823	– Designation of Beneficiary FEGLI (if enrolled in life insurance)

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## **A Discussion Concerning “Restoration” and “Reemployment”**

“**RESTORATION**” rights are defined as the entitlement of employees who leave their civilian positions for **military duty** to return to those positions after termination of that duty. (“Restoration” is also the entitlement of an employee to return to his or her position after recovery from a compensable injury.) (5 CFR Part 353)

“**REEMPLOYMENT**” rights are defined as the entitlement of an employee to return to non-temporary employment after assignment to **other civilian employment**. This other employment may be with the Foreign Service, public international organizations, or other agencies in the executive branch or overseas. (5 CFR Part 352)

Per CPMS/FAS: “**Restoration**” is the appropriate term to use when dealing with returning employees from active military duty. Whether the action was LWOP-US or SEPARATION-US, the employee is entitled to be “**restored**” to a position. (5 CFR Part 353.101 and 207)

Technically speaking, if the employee chooses SEPARATION-US (instead of LWOP-US), we are “*reemploying*” him or her upon their return; however, the employee is still entitled to be “**restored**” in accordance with 5 CFR Part 353.207.

Because the USERRA regulations mainly uses the term “*Reemployment*” throughout the document, this 21-page information package developed by the HRO-NSWC/DD has been written to parallel the USERRA by using the term “*Reemployment*” throughout the document.

### **Return Rights**

→ To qualify for reemployment rights following military service, the following five eligibility criteria must be met:

1. must have left a civilian job
2. must have given employer advance notice (either written or verbal) of upcoming military service of any type  
exceptions: (note: exceptions are expected to be very rare)
  - a. if giving notice is precluded by military necessity (e.g. – a classified recall)
  - b. if it is otherwise impossible or unreasonable to give notice
3. the cumulative period of military service must not have exceeded a five year limit to retain reemployment rights with a given employer (if person goes to a new employer, a new five year limit becomes effective)  
exceptions:
  - a. if unable to obtain a release or if service is required to complete an initial period of obligated service, that time of service is exempt (example: an initial enlistment may last more than five years)
  - b. if hospitalized for or if convalescing from an illness or injury incurred in or aggravated during military service, the limit may be extended up to an additional two years
  - c. drills (inactive duty training), annual training, involuntary active duty extensions (including training certified), and recalls due to war or national

emergency are not counted in the five year cumulative total

4. must have been released from service under honorable or general conditions
5. must have reported back to work or applied for reemployment within the time constraints prescribed by law

### **Reemployment Time Constraints**

- Period of military service ----- must report back to work at the next regularly scheduled shift on the day following release from the military, safe travel home, and eight hours of rest  
up to 30 days
- Period of military service ----- must apply for reemployment within 14 days following  
of 31 – 180 days release
- Period of military service ----- must apply for reemployment within 90 days after release  
of 181 days or more

### **Applying for Reemployment**

- To apply for reemployment an individual must:
  1. identify himself/herself
  2. state that he/she left the civilian employer to perform military service
  3. state that he/she has completed the military service (provide the date separated or the date to be separated\*) and desires to be reinstated (\*may also be allowed to return to the civilian position while on military terminal leave, if so desired).

Note: Failure to return to work or apply for reemployment within the specified time limits through own fault does not necessarily forfeit reemployment rights, but makes the individual subject to the employer's rules concerning unauthorized absence from work.

### **Reemployment Entitlements**

- An employee returning from military service must be reemployed in the job that he/she would have attained if he/she had not been absent for military service—with the same seniority, status and pay, as well as other rights and benefits determined by seniority (any pay adjustments, within-grade increases, and promotions to which the employee was entitled during the absence will be processed upon restoration).
- An employee who is disabled (temporarily or permanently) due to military service must also be accommodated.
- Specific Reemployment Entitlements:
  1. prompt reemployment
  2. seniority, seniority-related benefits, status, and rate of pay as if the employee had been continuously employed during the military absence

3. immediate reinstatement of health insurance for the employee and any previously covered dependents with no waiting period and no exclusion of pre-existing conditions (except service-connected conditions)
4. training or retraining by the employer if necessary to qualify the employee for reemployment
5. accommodations for a disability occurring while on military duty or a disability aggravated by military service
6. protection from discharge, except for cause, for a one year if the period of military service was 181 days or more
7. protection from discharge, except for cause, for 180 days if the period of military service was between 31 and 180 days

**Note:** The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

### **Required Documentation (for a period of military service of 31 days or more)**

→ Suggested Forms of Documentation:

1. DD-214 Member Copy 4
2. Endorsed Military Orders
3. Letter from appropriate Military Command

→ The required documentation establishes the following:

1. that the application for reemployment was timely
2. that the cumulative five year limit has not been exceeded
3. that the character of service was "honorable" (i.e., did not receive a punitive type of discharge)

**Note:** If the documentation is not readily available or does not exist, the employer cannot deny reemployment; but if documentation later becomes available that shows the employee did not qualify for reemployment, the employer may immediately terminate the employee.

### **Veterans Preference Changes (upon returning to duty)**

- There is the possibility that an employee's recall to active military duty service may affect his/her Veterans' Preference.
- Upon returning to duty, an employee should provide the civilian employing agency with his/her release from active duty (usually a DD 214 Member Copy 4 or separation/demobilization orders) in order that veterans' preference may be determined/documented.
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## **Reference Web Sites**

<a href="http://www.opm.gov">www.opm.gov</a> (site index)	<a href="http://www.esgr.org/employers/thelaw.asp">www.esgr.org/employers/thelaw.asp</a>
<a href="http://www.opm.gov/oca/leave/html/military.htm">www.opm.gov/oca/leave/html/military.htm</a>	<a href="http://www.defenselink.mil">www.defenselink.mil</a>
<a href="http://www.opm.gov/oca/leave/html/MILQA.htm">www.opm.gov/oca/leave/html/MILQA.htm</a>	<a href="http://www.dol.gov/vet/usc/vpl/usc38.htm">www.dol.gov/vet/usc/vpl/usc38.htm</a>
<a href="http://www.opm.gov/veterans/html">www.opm.gov/veterans/html</a>	<a href="http://www.opm.gov/insure/life">www.opm.gov/insure/life</a>
<a href="http://www.opm.gov/insure/handbook/FEHB27.htm">www.opm.gov/insure/handbook/FEHB27.htm</a>	<a href="http://www.opm.gov/insure/health">www.opm.gov/insure/health</a>
<a href="http://www.opm.gov/oca/compmemo/2001/2001-09.htm">www.opm.gov/oca/compmemo/2001/2001-09.htm</a>	<a href="http://www.cpms.osd.mil">www.cpms.osd.mil</a>
<a href="http://www.opm.gov/oca/compmemo/2001/cpm2001-2.htm">www.opm.gov/oca/compmemo/2001/cpm2001-2.htm</a>	<a href="http://www.tsp.gov">www.tsp.gov</a>
<a href="http://www.cpms.osd.mil/fas/benefits/pdf/fehb_res_curr.pdf">www.cpms.osd.mil/fas/benefits/pdf/fehb_res_curr.pdf</a>	<a href="http://www.dol.gov/vets">www.dol.gov/vets</a>
<a href="http://www.dol.gov/elaws/vets/userra/userra.asp">www.dol.gov/elaws/vets/userra/userra.asp</a>	<a href="http://www.esgr.org/faqmembers.html">www.esgr.org/faqmembers.html</a>
<a href="http://www.dol.gov/asp/programs/handbook/userra.htm">www.dol.gov/asp/programs/handbook/userra.htm</a>	<a href="http://www.donhr.navy.mil">www.donhr.navy.mil</a>
<a href="http://www.ndw.navy.mil/HRO/index.htm">http://www.ndw.navy.mil/HRO/index.htm</a>	

## **Attachments**

1. FEHB Employee Premium Payment For DoD Civilian Employees Called To Active Duty In Support Of Contingency Operations (three pages)
  2. "Preparing for Deployment" (three pages)
  3. Checklist for Employees Entering Extended Military Active Duty (two pages)
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## FEHB EMPLOYEE PREMIUM PAYMENT FOR DOD CIVILIAN EMPLOYEES CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS

- Ref:** (a) Memo from Office of the Director, OPM dated June 2, 2000 Subject: Human Resources Policy to Assist Federal Employees Called to Active Military Duty  
(b) Memo from Deputy Secretary of Defense dated March 8, 2001 Subject: Human Resources Policy to Assist DoD Civilian Employees Called to Active Duty  
(c) Memo from Office of the Assistant Secretary of Defense dated May 17, 2002 Subject: Human Resources Policy to Assist DoD Civilian Employees Called to Active Military Duty  
(d) Procedures for Paying Federal Employees Health Benefits (FEHB) Premiums for DoD Civilian Employees Called to Active Duty in Support of Contingency Operations

**Eligibility:** In order to be eligible for Agency payment of the employee's share of FEHB premiums (for up to 18 months), the employee must:

1. be enrolled in FEHB and elect to continue the enrollment while on active duty (an employee must elect in writing to have his/her enrollment terminated)
2. be a member of a Reserve component of the armed forces (the Army National Guard of the U.S., the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the U.S., the Air Force Reserve, and the Coast Guard Reserve)
3. be called or ordered to active duty (voluntarily or involuntarily) in support of a DoD contingency operation (defined in section 101(a)(13) of Title 10, U.S. Code)
- 4. **be placed on** leave without pay (**LWOP-US**) or separated (**Separation-US**) from service to perform active duty
5. serve on active duty for a period of more than 30 consecutive days

**Note:** DoD Agencies are required to forward the full FEHB premium (both government and employee contributions) to OPM on a current basis for each pay period FEHB coverage continues for the employee (while the employee is on active duty).

### Current Contingency Operations:

Bosnia: Operation Joint Endeavor  
Operation Joint Guard  
Operation Joint Forge

Iraqi Crisis: Operation Southern Watch  
Operation Northern Watch

Kosovo: Operation Allied Force

911 Terrorist Attacks:  
Operation Enduring Freedom  
Operation Noble Eagle

## CLARIFICATION OF HR RESPONSIBILITIES per communication with DFAS Charleston

If an employee meets all 5 eligibility requirements (shown on Page 1), the **HRO must send the following documentation** to DFAS/Charleston **as soon as possible**:

1. a copy of the written military orders which specify that the employee has been called to active duty in support of a contingency operation
  - if the statutory authority listed on the orders is Section 12301(a), 12302, or 12304 of title 10, United States Code, the employee has provided proof of qualifying service
  - if the orders state that the duty is in support of one of the named contingency operations and the statutory authority is a provision of title 10, United States Code, the employee has provided proof of qualifying service
  - members of the Army National Guard or Air National Guard ordered to duty under title 32, United States Code, or any provision of state, territorial, or District of Columbia code are NOT eligible
2. a copy of the SF-50 showing the employee was on LWOP-US or Separation-US
3. a copy of the SF-50 for Return to Duty (from lwop-us) or Reemployment (if separation-us)
4. a copy of the DD214 showing employee was on active duty for a period of more than 30 consecutive days
5. a covering memorandum with the following information:
  - (a) employee name and social security number
  - (b) employee's FEHB enrollment code
  - (c) statement that the written orders indicate the active duty is in support of a contingency operation
  - (d) beginning date employee is eligible to have agency pay FEHB premium  
**note: HRSC-NW has verified that the beginning date is THE DATE THE EMPLOYEE GOES ON ACTIVE DUTY REGARDLESS OF WHETHER THE EMPLOYEE IS USING MILITARY LEAVE, AL, OR LWOP**
  - (e) ending date employee is eligible to have agency pay FEHB premium  
**note: HRSC-NW has verified that the ending date is THE LAST DAY OF THE PAY PERIOD THAT THE EMPLOYEE IS ON ACTIVE DUTY (the employee is responsible for paying his or her own health insurance premiums effective the first day of the pay period which the employee is no longer on active duty status)**
  - (f) name and phone number of HRO representative

HRO-W should retain a copy of all items sent to DFAS in a folder established for each Reservist or National Guard Member called to active duty

DFAS/Charleston has indicated that the more information the HRO can send to them regarding the employee's active duty, the quicker the "fix" to stop FEHB premium payments (for the period of active service) from being deducted from paychecks.



It may be helpful to send DFAS/Charleston as much information as possible (i.e. the orders, the SF-50 showing LWOP-US or SEPARATION-US, and the covering memo) when the employee GOES ON LWOP-US or SEPARATION-US to serve as a "Heads Up" that the employee is eligible to have the agency pay the FEHB employee premium . . .  
*then*

When the employee RETURNS TO HIS/HER CIVILIAN POSITION, it is EXTREMELY IMPORTANT that ALL REQUIRED INFORMATION be provided to DFAS/Charleston AS SOON AS POSSIBLE so that DFAS will not begin deducting double FEHB employee premium payments out of the employee's pay check.

**IF DFAS DOES NOT RECEIVE THE REQUIRED INFORMATION, THEY WILL BEGIN TO TAKE DOUBLE FEHB EMPLOYEE PREMIUM PAYMENTS OUT OF THE EMPLOYEE'S PAY CHECK EACH PAY PERIOD.** The double premium payments are for: (1) a current employee premium payment due because the employee is now back in a pay and duty status and (2) an employee premium payment due because the employee was in a non-pay/non-duty status. If the employee is entitled to have the Agency pay the employee premium payment while on active duty in support of a contingency operation, this second payment should not be deducted from the employee's paycheck.

**REIMBURSEMENT TO THE EMPLOYEE FOR PREMIUMS ALREADY PAID (by the employee) WILL BE COVERED UNDER SEPARATE PROCEDURES FOR RETROACTIVE PAYMENTS TO EMPLOYEES. HOWEVER THESE RETROACTIVE PROCEDURES HAVE NOT BEEN DEVELOPED YET (as of December 2002).** OPM will notify HR as soon as any information is received regarding the retroactive procedures for recovering premiums that were paid by the employee (but should have been paid by the Agency).

**Note: The authority to make retroactive payments to eligible employees extends back to employees who were called to active duty on or after: DECEMBER 8, 1995. Once the retroactive procedures for recovering premiums are developed, it will be necessary to identify employees who have been called to active duty from December 8, 1995 to present to determine if they are eligible to have the Agency pay the FEHB employee premium payments for the period of active duty service.**

**“PREPARING FOR DEPLOYMENT”**  
**A Checklist for the Employee/Personnel Office**

Employee Name: \_\_\_\_\_ Org Code: \_\_\_\_\_  
Employee SSN: \_\_\_\_\_ Work Ext: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Home No: \_\_\_\_\_  
\_\_\_\_\_  
Supervisor: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ Supervisors Ext: \_\_\_\_\_  
Supporting Contingency Operation: \_\_\_\_\_  
(name of contingency operation)

**Personal Items:**

1. Plan for financial affairs/designate a financial account manager
2. Consider arranging for military pay to be direct deposited
3. Make a will/name an executor/name a guardian for children/draw up a power of attorney
4. Update designations of beneficiaries (see Personnel Assistant at HRO-W)
5. Review life insurance policies (see Personnel Assistant at HRO-W)
6. Make arrangements for garnishments/indebtedness (see your Customer Service Representative)

**Civilian Employment/Benefits Items:**

1. HRO-W notified: \_\_\_\_\_
2. Call-Up Information Package provided: \_\_\_\_\_
3. Employment/Benefits Counseling Session conducted: \_\_\_\_\_
4. Active Duty Orders provided to HRO-W: \_\_\_\_\_
5. Email Sent to Activity's Administrative Office as a "Heads Up": \_\_\_\_\_

**6. Leave Issues:**

- a. Military Leave: do you want to use? \_\_\_\_\_ number of hours/days? \_\_\_\_\_
- b. Annual Leave: do you want to use? \_\_\_\_\_  
do you want to keep to your credit? \_\_\_\_\_  
do you want to receive a lump sum payment? \_\_\_\_\_
- c. Comp Time/Credit Hours: do you want to use? \_\_\_\_\_
- d. Time-Off Leave Award: do you want to use? \_\_\_\_\_

**7. Leave Without Pay Issues:** (if you plan to be on LWOP for 30 days or more)

- a. Effective Date of LWOP-US: \_\_\_\_\_
- b. Supervisor/Timekeeper notified: \_\_\_\_\_
- c. SF-52 Prepared by Dept and Signed by Employee: \_\_\_\_\_
- d. RPA/SF-52/AD Orders/Checklist forwarded to HRSC-NW: \_\_\_\_\_
- e. Check-Out Sheet completed: \_\_\_\_\_

**8. Separation Issues:** (if you plan to separate completely from civilian Federal position)

- a. Effective Date of Separation-US: \_\_\_\_\_
- b. Supervisor/Timekeeper notified: \_\_\_\_\_
- c. SF-52 Prepared by Dept and Signed by Employee: \_\_\_\_\_
- d. RPA/SF-52/AD Orders/Checklist forwarded to HRSC-NW: \_\_\_\_\_
- e. Check-Out Sheet Completed: \_\_\_\_\_

**9. Life Insurance (FGLI) Issues:**

Note: FGLI coverage will continue for up to 12 months at no cost to the employee.

- a. Employing Agency completed **SF-2821/Agency Certification of Insurance Status** and **SF-2819/Notice of Conversion Privilege** at the end of 12 months of LWOP or 90 days after the active military duty ends (whichever date comes first):\_\_\_\_\_

**10. Health Insurance (FEHB) Issues:**

- a. Do you wish to **terminate** FEHB enrollment the day before entering AD? \_\_\_\_\_
- b. Employing Agency completed **SF-2810/Notice of Change in Health Benefits Enrollment** (to notify health carrier of enrollment termination): \_\_\_\_\_
- c. Do you wish to **continue** FEHB enrollment (for 18 months)? \_\_\_\_\_
- d. I understand I **am** being called to AD in support of a contingency operation and that the employing agency will pay my employee share of the FEHB premium: \_\_\_\_\_
- e. I understand that I **am not** being called to AD in support of a contingency operation and that I will be responsible for paying the employee share of the FEHB premium: \_\_\_\_\_
- f. I want to incur a debt for the first 365 days to be paid upon my return (generally on a pre-tax basis if participating in premium conversion): \_\_\_\_\_ **-OR-**
- g. I want to pay my employee premium on a current basis (continuing basis during my absence) to the servicing payroll office (generally with after-tax monies): \_\_\_\_\_
- h. I understand that premium payments for the remaining 6 months of coverage must be made on a current basis and that I will be paying 102% of the cost: \_\_\_\_\_
- i. I understand that if I am enrolled in **premium conversion**, I have 60 days from the start of my unpaid leave of absence to terminate the premium conversion, which would allow me to terminate my FEHB coverage at any time and that if I do not cancel my premium conversion within the 60-day limit, I cannot decide later to terminate my FEHB except during the annual FEHB open season or 60 days after another qualifying life event: \_\_\_\_\_

**11. Retirement Issues:**

- a. I understand that if I am placed on Leave Without Pay, death and disability benefits will continue under my retirement system: \_\_\_\_\_
- b. I understand that the military service is potentially creditable service but that I may need to make a deposit to receive retirement credit and that I can arrange to receive retirement counseling upon returning to my civilian position: \_\_\_\_\_

**12. TSP Issues:**

- a. I understand that contributions cannot be made to my civilian TSP account while I am on active military duty: \_\_\_\_\_
- b. I understand that once I return to my civilian position, I may make retroactive contributions and TSP elections and that I will need to contact my HRO to make these arrangements: \_\_\_\_\_
- c. I understand that if I have a TSP Loan, I should contact my HRO and request that a TSP041 be prepared and sent to TSP.

**13. Designation of Beneficiary Forms Updated** (if necessary):

- a. SF-1152/Unpaid Compensation (unpaid wages): \_\_\_\_\_
- b. SF-3102/FERS (if covered under FERS): \_\_\_\_\_
- c. SF-2802/CSRS (if covered under CSRS): \_\_\_\_\_

- d. Form TSP-3 (if you have a civilian TSP account): \_\_\_\_\_
- e. SF-2823/FEGLI (if enrolled in life insurance): \_\_\_\_\_

**14. Return to Duty/Restoration/Reemployment Issues:**

- a. Employee met the five eligibility criteria for reemployment: \_\_\_\_\_
- b. Employee reported back to work within time constraints: \_\_\_\_\_
- c. Employee provided DD-214 Member Copy 4: \_\_\_\_\_  
(endorsed military orders or letter from military command may also be provided)
- d. SF-52 for Return to Duty prepared by Dept: \_\_\_\_\_
- e. RPA/SF-52 forwarded to HRSC-NW: \_\_\_\_\_
- f. Health Insurance (FEHB) reinstated (if it was previously terminated): \_\_\_\_\_
- g. HRO notified DFAS if Agency is responsible for FEHB premium payments: \_\_\_\_\_
- h. Employee arranged for repayment of FEHB premiums (if applicable): \_\_\_\_\_
- i. Employee received retirement counseling/arranged for military deposit: \_\_\_\_\_
- j. Employee received TSP counseling/arranged for retroactive contributions/  
arranged for loan repayment: \_\_\_\_\_
- k. Position and Pay actions effective during the period of absence determined  
by HRO-W: \_\_\_\_\_
- l. Veterans' Preference Changes (if any) determined by HRO-W: \_\_\_\_\_

**Employees are strongly encouraged to review their SF-50/Notification of Personnel Action for Return to Duty and their first several Leave and Earnings Statements received after returning to duty and contact their Customer Service Representative or HRO-Washington with any problems, questions, or concerns.**

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HRO-W Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Original Checklist: Retained by HRO-Washington**

**Copy: To Employee**

**CHECKLIST FOR EMPLOYEES ENTERING EXTENDED MILITARY ACTIVE DUTY**

**Complete and Return with RPA/SF-52 and Active Duty Orders to:**

**Human Resources Office, Washington**

**Washington Navy Yard**

**Building 200, Ground Floor**

**Washington, DC**

**NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**I want to be: (Please initial your election/acknowledgement)**

\_\_\_\_\_ Placed on LWOP, beginning \_\_\_\_\_.

\_\_\_\_\_ Separated, effective \_\_\_\_\_.

**Military Leave:**

\_\_\_\_\_ I have a balance of annual leave that I would like to be paid a lump sum.

\_\_\_\_\_ I want to leave my annual leave to my credit.

\_\_\_\_\_ I have military leave that I want to use. Number of days: \_\_\_\_\_

**Health Benefits:**

\_\_\_\_\_ I want to terminate my FEHB effective \_\_\_\_\_.

\_\_\_\_\_ I want to continue my FEHB:

\_\_\_\_\_ I am being called to active duty in support of a contingency operation, my agency will pay my share of the FEHB premium.

\_\_\_\_\_ I am not called to active duty in support of a contingency operation, I want to pay for my FEHB on a continuing basis during my absence(generally with after-tax monies) **OR**

\_\_\_\_\_ I want to incur a debt to be paid upon my return (generally on a pre-tax basis if you participate in premium conversion).

I understand that if I am enrolled in premium conversion, I have 60 days from the start of my unpaid leave of absence to terminate the premium conversion, which would allow me to terminate my FEHB coverage at any time. If I do not cancel my premium conversion within the 60-day limit, I cannot terminate my FEHB except during the annual FEHB open season or 60 days after another qualifying life event. I understand that if I continue my FEHB after the first 12 months, my share will be 102% of the cost and it must be paid currently.

**FEGLI:**

\_\_\_\_\_ I understand that my FEGLI coverage will continue for 12 months with no cost to me.

**Retirement:**

\_\_\_\_\_ I understand that if I am placed on LWOP, death and disability benefits continue under my retirement system.

\_\_\_\_\_ I understand that the military service is potentially creditable service but I must make a deposit for that service to avoid Catch-62 (FERS and CSRS employees first hired on or after 10-1-82 must make a deposit to receive retirement credit).

If I am **restored** (return from military service within 5 years) I will have the deposit calculated in two ways: the deposit will be calculated using the lesser of the CSRS or FERS retirement contributions attributed to the period of military service, or the military deposit amount based on my military base pay. If I am **not restored**, the military deposit calculation would be based on my military base pay.

**Thrift Savings Plan:**

If I am restored to my civilian position, I may make retroactive contributions and elections.

\_\_\_\_\_ I understand that I will need to contact my personnel office to make retroactive TSP contributions and elections.

\_\_\_\_\_ I understand that if I have a TSP loan, I should inform my personnel office and request that a TSP-41 be prepared and sent to TSP.

**I understand my elections:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

